

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18746.1. Revolving Door; General Provisions.

(a) The prohibitions of subdivision (d) of Government Code Section 87406 apply to the following:

(1) Any member of a state board or commission with "decisionmaking authority," as that term is defined in 2 Cal Code Regs. Section 18701(a)(1);

(2) Any employee of a state administrative agency who holds a position that is designated or should be designated in the agency's conflict of interest code; and

(3) Any individual enumerated in Government Code Section 87200 appointed to or employed by a state administrative agency.

(b) A public official covered by subdivision (a) of this regulation is prohibited from making any appearance or communication if all of the following apply:

(1) The official has left his or her state office or employment, which means he or she has either permanently left state service or is on a leave of absence.

(2) The appearance or communication is made within 12 months after leaving state office or employment.

(3) The public official is compensated, or promised compensation, for the appearance or communication. However, a payment made for necessary travel, meals, and accommodations received directly in connection with voluntary services is not prohibited or limited by this section.

(4) The appearance or communication is made on behalf of any person as an agent, attorney, or representative of that person. An appearance or communication made by a public

official solely to represent his or her personal interests, as defined in 2 Cal. Code Regs. Section 18702.4, subdivision (b)(1), is not prohibited or limited by this section.

(5) The appearance or communication is made for the purpose of influencing, as defined in 2 Cal. Code Regs. Section 18746.2, any legislative or administrative action, or any discretionary act involving the issuance, amendment, awarding, or revocation of a permit, license, grant or contract, or the sale or purchase of goods or property.

(A) Services performed to administer, implement, or fulfill the requirements of an existing permit, license, grant, contract, or sale agreement may be excluded from the prohibitions of this regulation, provided the services do not involve the issuance, amendment, awarding, or revocation of any of these actions or proceedings. However, the prohibitions of Government Code Sections 87401 and 87402 may apply.

(6) The appearance or communication is made before any officer or employee of any of the following:

(A) Any state administrative agency that the public official worked for or represented during the 12 months before leaving state office or employment. An employee loaned to an agency is deemed to have worked for or represented that agency.

(B) Any state administrative agency which budget, personnel, and other operations are subject to the direction and control of any agency described in subdivision (b)(6)(A). However, whether an agency is provided technical assistance or legal advice, or is subject to oversight by another agency pursuant to state law, are not factors to be considered in determining whether an agency is subject to the direction and control of another.

(C) Any state administrative agency subject to the direction and control of the Governor, if the official was a designated employee of the Governor's office during the 12 months before

leaving state office or employment

(c) Subdivisions (b)(2) through (b)(5) of this regulation apply to determine whether an appearance or communication by an elected state officer is prohibited under Government Code Section 87406, subdivisions (b) and (c).

Note: Authority cited: Section 83112, Government Code. Reference: Section 87406, Government Code.

HISTORY

1. New section filed 2-18-99; operative 2-18-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 8).